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Committee on Economic, Social and Cultural Rights
Sixty-first session

Summary record of the 14th meeting
Held at the Palais Wilson, Geneva, on Tuesday, 30 May 2017, at 3 p.m.

Chair: Mr. Kedzia (Vice-Chair)

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Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant

Fifth periodic report of Australia

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The meeting was called to order at 3 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant

Fifth periodic report of Australia (E/C.12/AUS/5; E/C.12/AUS/Q/5 and Add.1)

1. *At the invitation of the Chair, the delegation of Australia took places at the Committee table.*

2. **Mr. Quinn** (Australia) said that Australia was a culturally diverse nation, embracing both the Aboriginal and Torres Strait Islander peoples, who embodied the oldest continuous living culture in the world, and the country's more recent migrants and refugees, from over 300 different nationalities of origin. It had a proud tradition of positive engagement with international human rights mechanisms, which was reflected in its open invitation to the special procedures of the Human Rights Council and its inaugural candidacy to the Council. Following the universal periodic review of Australia in 2015, the Government had established a standing national human rights mechanism to consider the recommendations that had been made. Responsibility for implementing the obligations enshrined in the human rights treaties to which Australia was a party was shared between the federal, state and territory governments.

3. While the majority of the country's citizens enjoyed a high standard of living, challenges remained in a number of areas, particularly with respect to indigenous Australians. Progress was being made towards the targets set under the Closing the Gap initiative, aimed at reducing disadvantage, but it was slow; efforts would continue in that regard. During the previous financial year, over half of federal expenditure had gone towards social security, health and welfare programmes and the federal, state and territory governments had provided 43 billion Australian dollars ($A) in funding for schools. The education system was based on a common national curriculum that met the needs of all students, irrespective of their background, situation or location.

4. The jobactive employment service, in place since 2015, had provided 25,000 job placements for refugee jobseekers and more than 100,000 for jobseekers from culturally and linguistically diverse backgrounds. The Government also allocated $A 800 million annually to the Disability Employment Service programme and had committed over $A 854 million over four years to the Youth Employment Package. From July 2018, it would invest $A 263 million in the national expansion of the ParentsNext programme to help parents with young children prepare for employment.

5. As part of the Government's long-standing commitment to gender equality, it had withdrawn one of its reservations to the Convention on the Elimination of All Forms of Discrimination against Women and had lifted gender restrictions from all roles in the Australian Defence Force. Women now occupied 41 per cent of positions on Government boards. It also promoted gender equality around the world and aimed to ensure that 80 per cent of its overseas aid investments effectively addressed gender equality, irrespective of their principal objective. It had increased its humanitarian funding by 18 per cent to $A 400 million for areas including disaster preparedness and humanitarian relief. The Government was grateful for the participation of civil society and the Australian Human Rights Commission in the preparation for the interactive dialogue with the Committee.

6. **Ms. Bras Gomes** (Country Rapporteur) said that she was heartened by the State party's successes and its recognition of the obstacles that it faced. However, the Committee remained concerned that the protection and justiciability of economic, social and cultural rights were not fully incorporated into domestic legislation and that policymakers were not obligated to take into consideration the recommendations of the Parliamentary Joint Committee on Human Rights before legislation was passed. She wished to know whether the Government still took the position that its institutional set-up provided adequate protection for the rights enshrined in the Covenant. The Committee would appreciate the delegation's comments on the obstacles to expanding the mandate of the Australian Human Rights Commission to include the Covenant.

7. While the Committee welcomed the Government's candid assessment of the Closing the Gap initiative, it was unclear whether the targets that had been set were unrealistic or whether the slow progress was due to a lack of political will or to a shortfall in financial or material resources. It would be helpful to learn whether an impact evaluation of the National Disability Strategy 2010-2020 had been conducted. While the substantial investment in the National Disability Insurance Scheme was encouraging, details of the amounts invested in the other five areas of the Strategy would be welcome.

8. It was unclear whether the national action plan on business and human rights had been adopted and whether it addressed potential human rights violations outside the State party, including within the supply chain. The Committee would be grateful for the delegation's comments on the regulatory role of the State with regard to the activities of private companies at home and abroad. In the area of gender mainstreaming, it would be useful to hear the Government's assessment of the remaining obstacles and the measures that would be used to tackle them.

9. With regard to migrants, refugees and asylum seekers, there were a number of concerns, including the punitive approach adopted towards unauthorized maritime arrivals and the living conditions at the regional processing centres in Nauru and Papua New Guinea. She wished to know whether the State party had had the opportunity to consider the Committee's statement on the duties of States towards refugees and migrants under the International Covenant on Economic, Social and Cultural Rights (E/C.12/2017/1). It would also be interesting to learn whether the State party intended to ratify the Optional Protocol to the Covenant.

10. **Mr. Uprimny** (Task Force Member) said that he wished to know whether the State party intended to reinforce the legal and political status of indigenous Australians and to increase funding to the National Congress of Australia's First Peoples. The Committee would appreciate the delegation's comments on the Government's position in connection with two normative issues, namely whether there were plans to implement the United Nations Declaration on the Rights of Indigenous Peoples, including the right to free, prior and informed consent, and why the State party did not intend to ratify the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169). He wished to know whether the Government planned to reform the Native Title Act 1993 (Cth), and, if so, whether indigenous Australians would be consulted during the process. Details would be welcome on the measures in place to ensure that meaningful consultation with indigenous communities took place in connection with the development agenda for Northern Australia, so as to avoid negative effects on their land.

11. **Mr. Walter** (Australia) said that, in Australia, the rights enshrined in the Covenant were given effect through a range of means, including legislation and policy, an approach that his Government was satisfied was appropriate. Individuals had access to a number of options to ensure their rights were realized, including administrative and judicial reviews, depending on their reason for believing that they had been denied their rights. The Australian Human Rights Commission did consider the rights enshrined in the Covenant if they arose within its statutory jurisdiction. While Australia had played a constructive role in the drafting of the Optional Protocol to the Covenant and was monitoring developments in its implementation, it had no plans to ratify it. The Parliamentary Joint Committee on Human Rights had a regular reporting cycle and had handed down 70 scrutiny reports since its inception in 2011. In cases where legislation was passed before the Joint Committee had concluded its work, it nevertheless reported its findings to Parliament.

12. The Council of Australian Governments had commissioned an inquiry into the Native Title Act and a number of reforms had been tabled but had not been enacted. In April 2017, the Attorney General and the Minister for Indigenous Affairs had met with native title representative bodies and the National Native Title Council and agreed to consult on an appropriate process through which to give effect to a selection of the reforms later in 2017. The Government had engaged with indigenous Australians in the preparation of its white paper on developing Northern Australia through the Prime Minister's Indigenous Advisory Council. Projects could be considered for funding from the Northern Australia Infrastructure Facility only if they incorporated an indigenous engagement strategy. The Government had made available $A 17 million to support township leasing

reforms so that traditional owners were able to use their land for economic and commercial benefit.

13. **Ms. Roberts** (Australia) said that the Prime Minister's Indigenous Advisory Council would guide the Government in its efforts to refresh the Closing the Gap agenda. A range of factors, including the interrelationship between some of the targets and the long-term nature of certain progress indicators, had made meeting the agenda's previous targets challenging. The refresh was intended to define a solid methodology to improve the likelihood of achieving the targets.

14. On the issue of constitutional recognition of indigenous peoples, the Referendum Council had undertaken comprehensive consultations, designed and led by representatives of indigenous peoples, during 2016 and would issue its final report by the end of June 2017. The National Indigenous Constitutional Convention, held in Uluru in May 2017, had issued a statement on the matter. The National Congress of Australia's First Peoples would receive government funding of $A 3 million over the next three years. The Government was committed to the United Nations Declaration on the Rights of Indigenous Peoples and was working with the Department of Foreign Affairs and Trade to assess activity and progress in line with the principles of the Declaration.

15. **Mr. Reddel** (Australia) said that an intermediate report published at the end of 2016 had given a positive evaluation of the trial period of the National Disability Insurance Scheme. The final report was due to be published at the end of 2017 and would provide a comprehensive quantitative and qualitative assessment. The National Disability Strategy 2010-2020 was subject to a progressive evaluation cycle, with the second progress report due later in 2017 and a final evaluation report scheduled to be issued at the end of the 10-year implementation period.

16. **Mr. Johnson** (Australia) said that, following the inception of Operation Sovereign Borders, Australia had seen a significant drop in people-smuggling activities and had not registered any deaths at sea since December 2013. The country was a global leader in the provision of safe, regular and orderly programmes for migrants and planned to increase the number of places on its refugee resettlement scheme to 18,750 per year from 2018. The regional processing centres in Nauru and Papua New Guinea were governed by domestic law in those locations and were not under the effective control of the Australian authorities. The centres were open and no individuals were detained within them. There were no children at the centre in Papua New Guinea and all the children at the centre in Nauru were enrolled in local schools and provided with uniforms and transportation to and from school. Individuals who were granted refugee status had a number of options, including resettlement to the United States of America, Papua New Guinea or Cambodia or a 20-year residency visa for Nauru.

17. **Ms. Wilde** (Australia) said that the three key challenges in the area of gender equality were strengthening women's economic security, including workforce participation, supporting more women into leadership positions and ensuring that women and children were safe from violence. The Government had established a multi-stakeholder reference group, which had met for the first time in May 2017, to consider the next steps for the implementation of the Guiding Principles on Business and Human Rights, which would likely take the form of a national action plan.

18. **Mr. Sadi**, noting the delegation's assurance that the Covenant rights were being realized progressively in the State party, said that certain rights needed to be made available immediately. With regard to those that could be fulfilled progressively, the State party must demonstrate that it had started a chain of action that would lead to the ultimate enjoyment of the right concerned by the population.

19. **Ms. Bras Gomes** said that, with regard to the migration policies of the State party and its punitive approach to unauthorized maritime arrivals, the report of the United Nations Special Rapporteur on the human rights of migrants had highlighted the fundamental principle of humanitarian law that one individual should not be punished for the purpose of deterring another.

20. **Mr. Uprimny** said that he would like to know whether the right of indigenous persons to prior, free and informed consent in relation to projects affecting them was enshrined in law. If so, he wondered whether the State party would consider ratifying the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).

21. **Mr. Abdel-Moneim** said that the common core document (HRI/CORE/AUS/2007) was an excellent source of information but ought to be updated as it was 10 years old. Figures were needed on national expenditure as a percentage of gross domestic product (GDP) for each of the rights contained in articles 6 to 15 of the Covenant during the most recent reporting period to enable the Committee to assess the progressive fulfilment by the State party of its obligations under the Covenant. He would also like to hear why poverty remained a persistent problem in Australia given the country's strong economic position.

22. **Ms. Wilde** (Australia) said that the State party had explained in its public response to the report produced by the United Nations Special Rapporteur on the human rights of migrants how it intended to take action on the recommendations made therein. It was committed to external scrutiny of its national policies, as attested to by the fact that five United Nations Special Rapporteurs had visited the country since October 2016.

23. **Mr. Walter** (Australia) said that the State party did not intend to ratify ILO Convention No. 169, as the rights of indigenous and tribal peoples were protected under other treaties to which Australia was a party, as well as under domestic law. The Government would give consideration to updating the common core document.

24. **Mr. Reddel** (Australia) said that, in addressing poverty, successive Australian Governments had decided on policy interventions on the basis of data on the population's living standards, rather than any particular measure, and used a "safety net" rather than an insurance-based approach to social support. Hence the benefits provided were not directly comparable to those paid by other countries of the Organization of Economic Cooperation and Development. The current Government was tackling poverty through a combination of direct payments, such as pensions, allowances for the unemployed and for students and family payments for people with dependent children. The federal Government cooperated with state and territory governments on issues such as homelessness, disability services and children's welfare, and funded NGOs to deliver community services to those most in need. It acknowledged that poverty was more widespread among particular communities, such as indigenous peoples, but there were also pockets of disadvantage throughout the country. Efforts were being made to implement location-specific strategies in order to better target the geographical areas most in need.

25. **The Chair** said that, given the many different human rights protection mechanisms available, persons seeking protection of their Covenant rights might be unsure of which institution they should apply to. For instance, an individual might address a case of discrimination to the Australian Human Rights Commission (AHRC) but would have to go to the courts if the issue was procedural in nature.

26. **Mr. Windfuhr** (Task Force Member) said that he would be interested to know why unemployment rates among certain groups, such as indigenous peoples, persons with disabilities and young persons, were considerably higher than the national average. He welcomed the introduction of the Fair Work Act 2009 and the related establishment of the Fair Work Ombudsman, but noted the persistence of a number of labour-related issues, such as the gender pay gap, the exploitation of migrant workers and arbitrary dismissals, and asked how the State party intended to strengthen its labour protection system. He asked whether the Building and Construction Industry (Improving Productivity) Act 2016 had weakened trade union rights, such as freedom of association and collective bargaining, as had been suggested by the Australian Council of Trade Unions in its recent complaint to ILO. He would also welcome a comment on reports that migrant workers, particularly those with bridging visas, experienced difficulties in joining trade unions.

27. He was concerned that the investment-based approach to social security favoured by the State party went against the Covenant obligation to provide social assistance. Furthermore, compulsory income management, as imposed in the Northern Territory, limited the right to social assistance and freedom of choice. He wondered whether it would be possible to promote optional income management as an alternative approach. Noting that

a high percentage of the financial sanctions imposed upon jobseekers who failed to comply with mutual obligation requirements were ultimately waived, he questioned the effectiveness of such measures.

The meeting was suspended at 4.50 p.m. and resumed at 5.05 p.m.

28. **Ms. Kidd** (Australia) said that efforts were being made to improve the labour market performance of vulnerable groups by providing wage subsidies and mentoring schemes, in particular for young people and members of indigenous communities. Programmes such as the Transition to Work service had been initiated to improve the foundational and employability skills of young people. The investment-based approach to social security sought to calculate the long-term cost of income support and to better identify where and how to invest in the population. The Fair Work Act 2009 stipulated equal remuneration for men and women, but the gender pay gap was also influenced by other factors, such as the difference in the number of hours worked by men and women and gender segregation by occupation and by industry.

29. **Mr. Johnson** (Australia) said that migrant workers enjoyed the same basic protection under law as Australian citizens. Domestic laws had been passed recently to better protect sponsored temporary overseas workers, enabling inspectors to monitor workplaces in order to ensure that employers complied with national legislation. Under a policy initiated in May 2016 to protect vulnerable workers in line with the Fair Work Act, a migrant workers' task force had been set up and increased funding had been allocated to the Fair Work Ombudsman.

30. **Mr. Reddel** (Australia) said that government spending as a percentage of GDP on areas including health, care for older persons and pensions was set to increase, according to the findings of the 2015 Intergenerational Report. In response to the McClure Review, Australia had adopted an investment-based approach to welfare which applied actuarial analysis of social security data to identify population groups at high risk of long-term social welfare dependency. The Government had recently produced its first baseline evaluation report, which had indicated that young parents, carers and students were most in need of social assistance. The Try, Test and Learn Fund would be co-designed by the beneficiaries of the initiative, and the results of the trials would be used to reform the welfare payment and service delivery system.

31. The income management card ensured that welfare payments were used for essentials, such as food, clothing and health care rather than alcohol, tobacco and other harmful substances. The scheme was non-discriminatory with respect to race, gender and culture, and recipients could volunteer to join it. Evaluations conducted had indicated that the scheme had a positive impact on those who volunteered, enabling them to save more money and reduce alcohol and tobacco consumption, among other benefits. The financial sanctions imposed on jobseekers were often waived because of extenuating circumstances, for example, if an individual agreed to undertake a compliance assessment or would experience severe financial hardship as a result of the penalty.

32. **Ms. Kidd** (Australia) said that the Australian Building and Construction Commission had been accorded a strong inspection-based mandate to regulate the industry. The new Building and Construction Industry (Improving Productivity) Act 2016 supported the right to freedom of association and industrial action, provided that certain requirements were met, and was fully consistent with the State party's international obligations.

33. **Ms. Liebenberg** said that she would appreciate clarification as to why the State party had decided to freeze indexation on family tax benefits. She was concerned that the decision would lead to cuts for single-parent families and would have a negative impact on efforts to reduce child poverty.

34. **Ms. Shin** said that she would be interested to hear how the State party guaranteed equal pay for work of equal value, given that there was no system in place to compare work of equal value. In light of the fact that women were primarily responsible for carrying out unpaid, underpaid and undervalued labour with respect to childcare and care of older persons, she would like to know what steps were being taken to ensure that they were better

paid or valued for such work, and whether genuine efforts were being made to encourage a fair division of work between men and women in households.

35. **Mr. Windfuhr** said that he would welcome further comments on the benefits of the wage subsidies offered by the Government, and on whether the new budget for income management would retain its compliance framework assessment to ensure that a jobseeker would be entitled to a penalty waiver if he or she could demonstrate that it would cause financial hardship. He would also appreciate a response to reports from trade unions that the Building and Construction Industry (Improving Productivity) Act had not been useful in addressing unlawful conduct and corruption in the industry.

36. **Mr. De Schutter** said that he would like to know more about the status of same-sex couples with respect to labour rights. For example, was an individual in a same-sex couple entitled to receive a widow or widower's pension, to enjoy time off work to care for a sick partner and to access social security spousal benefits and to what extent was legislation on civil unions harmonized across all territories of Australia?

37. **Ms. Bras Gomes** said that she would appreciate clarification as to whether the positive evaluations of income management mentioned by the delegation related to the compulsory or the voluntary part of the scheme. The Committee had received reports that compulsory income management was not successful. She was also concerned that the proposal to extend income management to three new trial areas where the majority of the population was indigenous might lead to discrimination. Lastly, she asked why jobseekers would have to undergo random drug testing when qualifying criteria were already in place to assess their eligibility.

38. **Mr. Chen** (Task Force Member) said that he would like more information on efforts to stop violence and abuse against persons with disabilities. He asked whether the Council of Australian Governments Disability Reform Council had established an independent, national complaints and serious incidents system and a Code of Conduct, as promised in 2016. The United Nations Special Rapporteur on violence against women, its causes and consequences had reported that domestic violence against women and girls was a persistent and underreported problem in Australia, particularly in indigenous communities. How was the Government addressing the issue, were offenders punished and was domestic violence against women criminalized in law?

39. Noting that there was a lack of data and research on child trafficking and slavery, he invited the State party to consider implementing compensation schemes for victims of such abuse. It was regrettable that, despite recommendations made by the Committee in its two previous concluding observations, the State party had made no progress in acquiring data on poverty in the country. He enquired about the Government's approach to tackling poverty, what practical measures were being taken to address homelessness, and whether homelessness could be criminalized under law.

40. **Mr. De Schutter** said that he welcomed the commitments made by the State party to reduce its greenhouse gas emissions prior to the United Nations Climate Change Conference in Paris in 2015, but noted that its carbon emissions were increasing and that it supported the operation of new coal mines. When South Australia had proposed to close its last coal-fuelled power station, the federal Government had opposed the move. Australia had also repeatedly expressed its lack of faith in renewable energy as a viable alternative to fossil fuels. He asked whether the State party intended to revise its climate change policies, to facilitate a transition to clean energy and to ensure that a review of climate change policies would take into consideration the rights of indigenous peoples, including their right to prior, free and informed consent in relation to all projects that would have an impact on their lives.

The meeting rose at 5.55 p.m.

United Nations E/C.12/2017/SR.15

Economic and Social Council

Distr.: General
9 June 2017

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Committee on Economic, Social and Cultural Rights

Sixty-first session

Summary record of the 15th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 31 May 2017, at 10 a.m.

Chair: Ms. Bras Gomes

Contents

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Fifth periodic report of Australia (*continued*)

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The meeting was called to order at 10 a.m.

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Fifth periodic report of Australia (*continued*) (E/C.12/AUS/5; E/C.12/AUS/Q/5 and Add.1)

1. *At the invitation of the Chair, the delegation of Australia took places at the Committee table.*

2. **Mr. Reddel** (Australia), referring to the freezing of indexation in the context of the Social Services Legislation Amendment Bill 2017, said that income support and family payment rates and thresholds were linked to the Consumer Price Index. The Government recognized that indexation ensured that the real value of payments was maintained at a level consistent with increases in the cost of living. However, it sometimes temporarily suspended the indexation of some rates in order to improve the targeting of those in greatest need.

3. The Government currently spent a substantial amount of taxpayers' funds each year in three main areas of family support: family tax benefits, childcare payments and paid parental leave. Maintenance of the current family tax benefit rates for two years from 1 July 2017 would help to ensure the sustainability of the family payment system. Indexation would recommence on 1 July 2019 and families would continue to receive assistance at current rates until then. Moreover, some components of the family tax benefits, such as rent assistance, newborn supplements and multiple birth allowances, would continue to be indexed. Many families would thus still receive increased benefits.

4. The purpose of the Government's decision to introduce trials of random drug testing of newstart allowance and youth allowance claimants was to provide assistance to people who were unable to participate in the workforce on account of substance abuse. Such support would improve their chances of finding a job and reduce the risk of ongoing dependence on welfare. Their families, the wider community and the economy would also benefit. A National Drug Strategy Household Survey conducted in 2013 had shown that illicit drug use in the 12 months prior to the survey had been more prevalent among unemployed persons. For instance, they were 2.4 times more likely to use methamphetamines. Under the welfare drug-testing trial to be launched on 1 January 2018, 5,000 new recipients of the allowances would be selected for random drug testing; their consent to participate would be a precondition for payment of the allowance. Any who tested positive would be required to undergo further drug testing within 25 days. The amount of money they received would not be affected, but the amount of cash they could withdraw would be limited and they would not be permitted to use it for harmful activities such as purchases of alcohol or gambling. Jobseekers who tested positive on the second occasion would be referred to a medical professional. The drug-testing trials would be held in three locations with a high incidence of drug use and would be comprehensively evaluated to assess its effectiveness.

5. Five assessments of the income management programme had concluded that it could render life less stressful in relation to money, improve housing stability and build financial skills in the longer term if combined with money management and/or financial counselling. Positive outcomes had also been recorded in terms of meeting children's priority needs. The assessments had produced mixed results, however, with regard to money spent on tobacco, gambling, alcohol and pornographic material. There had been some reports of a significant reduction in alcohol consumption in families, but there was limited evidence of an overall reduction at the community level. While the most positive results had been seen in persons who had volunteered for the income management programme, the compulsory programme had helped in cases of child neglect due to financial management issues, prevented family separation and facilitated reunification. It was essential to use multifaceted methodologies and data sources and to investigate both the immediate impact and longer-term sustainable change.

6. The recommendations made in the Parliamentary Committee's report on violence, abuse and neglect against people with disabilities in institutional and residential settings focused on programmes to develop better ways of preventing, detecting and responding to the causes of violence. The findings of the report and those of State-based inquiries had led to the development of the National Disability Insurance Scheme Quality and Safeguarding Framework and arrangements for the establishment of the Quality and Safeguards Commission, which had been allocated funding of $A 209 million over four years. The Commission would provide for registration, a national complaint handling system and monitoring of restrictive practices under the National Disability Insurance Scheme. The specialist disability accommodation model would enable participants to choose a supported accommodation arrangement that met their needs. Avenues for reporting neglect outside the National Disability Insurance Scheme included the National Disability Abuse and Neglect Hotline and the Complaints Resolution and Referral Service.

7. The Government was committed to addressing the causes and impact of physical and sexual violence against women and children. In 2011, it had issued the National Plan to Reduce Violence against Women and their Children 2010-2022, which comprised four 3-year action plans. It set out an ambitious framework for action to support women and children who had experienced or were at risk of experiencing violence, and to render the perpetrators accountable. Major investments had been made in frontline services and research and progress was monitored through two 4-yearly surveys and an independent evaluation every three years. An annual report was published and a final evaluation would be issued at the end of the 12-year period.

8. The Australian jurisdictions planned to develop a national data collection and reporting framework to provide an accurate overview of the prevalence of family and domestic violence and the response of the justice system. Indigenous women were more vulnerable and their situation was addressed by the third action plan, which aimed to support the existing leadership and knowledge base of indigenous communities, and to oversee the development of a culturally appropriate policy and programme to be implemented in partnership with the communities. A working group composed of indigenous women and men, government representatives, academics and service providers would be established to ensure a strong focus on reducing family and domestic violence against indigenous women and children. It would facilitate culturally appropriate responses and consider the effectiveness of current service provision. The Government had allocated funding to increase provision of legal services for victims, therapeutic services for indigenous children and treatment programmes for indigenous men and to promote the safety of indigenous women.

9. High priority was given to ensuring the economic empowerment and social inclusion of all Australians through a multifaceted approach involving governments, communities, businesses and individuals. The Government had spent about $A 154 billion on social security and welfare in the 2015/16 financial year, a sum that represented 35 per cent of total expenditure. As poverty was associated with homelessness, the Government recognized that access to housing was of fundamental importance and required long-term systemic efforts involving diverse agencies, sectors and communities. It allocated $A 150 million each year under the National Partnership Agreement on Homelessness to fund frontline homelessness services. In 2018, it would introduce a new National Housing and Homelessness Agreement developed in close negotiation with the states and territories and would target priority housing areas.

10. One of the main causes of homelessness was domestic and family violence. About a quarter of the funds under the new Agreement would be invested in 60 homelessness-related initiatives on behalf of women and children experiencing domestic and family violence, and a housing innovation fund would be established under the third action plan to identify alternative accommodation options for the women and children concerned. Services for persons who were homeless or at risk of homelessness were delivered by NGOs. The various governments rejected allegations that homelessness was criminalized, but were aware that certain laws had an impact on the homeless. They therefore provided special services, such as access to transitional housing units, for homeless persons in central urban locations who were most at risk of interacting with the police.

11. **Ms. Kidd** (Australia) said that the principle of equal pay for work of equal or comparable value, including work in different occupations and industries, was enshrined at the federal level in the Fair Work Act. Traditional criteria were applicable, but other criteria were also relevant depending on the nature of the work. Unpaid work, including the provision of care for children, older persons or family members with long-term health conditions, was compensated primarily by means of transfer payments, including family tax benefits, paid parental leave schemes, child disability allowances and childcare benefits. Pursuant to the Fair Work Act, parents and caregivers who had worked with an employer for at least 12 months could request flexible working arrangements. Such requests could only be rejected on reasonable business grounds. The 2017/18 budget funded new measures to support unpaid work. For instance, $A 263 million was to be invested in a pre-employment programme that provided parents of young children with access to services in their local community that would help them to secure employment when their children were enrolled in school. Substantial subsidies were provided under the wage subsidy programmes to employers who recruited mature jobseekers.

12. **Mr. Walter** (Australia) said that recent Australian legislation prohibited discrimination on grounds of sexual orientation, gender identity and intersex status. Transitional exemptions to the legislation in state and territory laws had expired on 31 July 2016, except in Western Australia, where they applied to the surrogacy and reproductive technology laws until 31 July 2017 to allow time for the requisite amendments to be made. The anti-discriminatory legislation had built on the 2009 amendments to 85 federal laws that abolished discrimination against same-sex couples in relation to financial, health-care and other benefits. A national plebiscite would be held on legalizing same-sex marriage, but that vote would not affect the enjoyment of other rights by same-sex couples.

13. Australia had attached major importance to the issue of human trafficking, both domestically and regionally, for many years. A human trafficking and slavery monitoring framework that was being developed for Australia and for Asia and the Pacific as a whole would improve the scope and quality of the data collected. More than 330 suspected victims of human trafficking and slavery had been identified domestically by the Australian authorities since 1 January 2004. Most of the trafficking victims had been women working in the sex industry in both legal and illegal brothels. Recently, however, an increasing number of both men and women were being exploited in other industries or within intimate relationships. That development had been reflected in referrals to the Support for Trafficked People Program in 2015-2016, which indicated that the majority of new victims were being exploited in areas other than the sex industry.

14. Victims of trafficking and slavery could be entitled to compensation under statutory financial schemes funded by state or territory governments and might also seek reparation from perpetrators or damages through the civil courts. A broader and more flexible support system had been established through changes to the human trafficking visa framework, including a broadening of eligibility for access to a permanent visa, and abolition of the two-year waiting period applicable to other newly arrived residents before they could access governmental services, including social security.

15. With regard to indigenous peoples, the Native Title Act provided clearly that developments affecting land in respect of which native title was claimed could not proceed without good-faith negotiations with or the agreement of traditional owners. Indigenous Australians actively exercised their rights under the Native Title Act to develop and seek economic opportunities. The Government was discussing possible reforms to the system with indigenous Australians to assist them in exercising those rights even more effectively. Native title had been determined in respect of 31.3 per cent of the country's total land mass, and a further 25.3 per cent of the land mass was currently undergoing the native title determination process.

16. **Ms. Wilde** (Australia) said that the Government was in the process of revising its policies on climate change to ensure that they were in alignment with its 2030 targets and the Paris Agreement under the United Nations Framework Convention on Climate Change. The revised policies would be based on consultations held with businesses and the wider community and the outcomes of the Finkel Review on the future security of the national electricity market. The Government wished to make an orderly transition towards greater

reliance on renewable energy and had introduced a number of targets to that end, towards which it was making good progress. New funds and initiatives had also been introduced to help the country meet its climate change commitments.

17. **Ms. Bras Gomes** (Country Rapporteur) said that she wished to know who was accountable for the provision of health care at immigrant detention centres in Nauru and Papua New Guinea and what level of interaction there was between the Australian Ministry of Health and the health-care providers at those centres. She asked how the new implementation plan for improving the health of the indigenous populations correlated with the Closing the Gap targets; whether Australia still had mental health laws that provided for compulsory treatment and whether such legislation should be reviewed; and what plans the Government had for the future provision of culturally sensitive care for older persons from culturally diverse communities.

18. **Mr. Sadi** said that he would like to know whether Australia planned to use solar energy as its main form of renewable energy and whether it was considering introducing nuclear power. He enquired how the Government dealt with the minority views of certain migrant groups regarding women's rights, where such views conflicted with national values. He asked how the public and private health-care systems worked together; whether the private system was used only by the wealthiest individuals; whether there were any campaigns in place to combat smoking, the causes of cancer and cardiovascular disease; and how effective such campaigns were.

19. **Ms. Liebenberg** said that she would appreciate more information on the impact of the national partnership agreements related to housing on measures to improve the affordability of housing. She asked what measures were being taken to provide urgent access to social housing, combat homelessness and overcrowding in the Northern Territory, in particular among Aboriginal and Torres Strait Islander communities, improve housing conditions in the Northern Territory and ensure that such communities had access to housing in the lands to which they had an emotional and spiritual connection.

20. **Mr. Chen** (Task Force Member) said that he wished to know what tangible action the Government was taking to provide legal protection against violence for women, children and victims. He also wished to hear more about the provision of physical and mental health care for prisoners, in particular indigenous persons.

21. **Mr. De Schutter** said that, given the above-average level of obesity in Australia, in particular among the indigenous population, he wished to know how the Community Stores Licensing Scheme established by the Stronger Futures in the Northern Territory Act 2012 would account for the nutritional needs of communities in the Northern Territory, whether the scheme took into account the right to an adequate diet and what initiatives were in place to discourage adults and children from consuming foods categorized as "discretionary" and ultra-processed foods.

22. **Mr. Uprimny** (Task Force Member) said that he would like to know whether the forced sterilization of persons with disabilities was allowed if consent was given not by the person concerned but by a surrogate. He asked what the Government's policy was regarding non-consensual genital surgery for intersex individuals and whether such surgery could be performed with surrogate consent.

23. Referring to the trial programme of drugs testing for persons receiving welfare support and the restrictions placed on that support if the individuals tested positive, he asked whether the programme was intended to act as a form of abstinence-based treatment and whether the Government would consider replacing it with a more consensual form of treatment.

24. **Ms. Bras Gomes** said that she would like to know more about the situation of asylum seekers with bridging visas who were receiving an inadequate level of social security allowance. She also asked whether the delegation could provide more information on the issue of family reunification, in particular with regard to persons in regional processing centres and asylum seekers on bridging visas who were living in mainland Australia.

25. **Ms. Wilde** (Australia) said that the Australian Government was committed to upholding the Paris Agreement. The Government would make any decision on nuclear power based on the findings of the Finkel Review. It was continuing to assess all the options and would take note of the Committee's comments.

26. **Mr. Johnson** (Australia) said that all persons held in detention centres received health care, including mental health support, to a standard comparable to that available to the public. They benefited from screening on entry, on-site services provided by mental health professionals and, where necessary, acute hospital-based care and assessments by clinicians. Activities were also provided to keep prisoners mentally and physically active.

27. The regional processing centres in Nauru and Papua New Guinea were governed by the domestic law of those countries. Although the Australian Government did not exercise control over the centres, it had signed memoranda of understanding with the governments of the host countries to support them in the performance of their functions, such as garrison security, catering and health services. The Government also provided support to allow for the recruitment of mental health professionals at the centres. Furthermore, all decisions to transfer refugees were taken in consultation with international health and medical services and the host government and, in the case of refugees who had settled in the local community, with the relevant mental health-care provider at the request of the government.

28. Family reunification was available to all persons who had arrived in Australia through its normal yearly humanitarian and refugee programme, through which a growing number of refugees were accepted each year. It was not available to persons on bridging visas, however. According to article 10 of the Covenant, States had an obligation to prevent the separation of families but not necessarily to facilitate their reunification. Nonetheless, the Australian Government was committed to reunifying families where appropriate.

29. The suggestion that there was inadequate provision of social security for persons in possession of bridging visas was related to the "Illegal Maritime Arrivals legacy caseload", in which many of the refugees concerned were living in Australia on bridging visas while awaiting the outcome of asylum applications. Special support mechanisms that had been introduced were equivalent to 89 per cent of the general welfare package, which the Government believed to be appropriate and balanced and to enable the recipients to be self-sustaining.

30. **Mr. Reddel** (Australia) said that, with regard to domestic violence among newly arrived immigrants, the Government had recently issued a new statement setting out its vision for a multicultural society that included two-way integration, the obligation to adhere to Australian law and a balance of shared rights and responsibilities. In addition, the National Plan to Reduce Violence against Women and their Children 2010-2022 recognized that women from culturally and linguistically diverse backgrounds faced greater barriers to accessing support services and were less likely to leave violent situations. Consultations had been conducted with such women, including new immigrants, on how to combat domestic violence in their communities and the Government would continue to promote initiatives and engage with communities to that end.

31. In the context of the drug-testing trials for recipients of welfare support, referrals to the treatment programme were made solely on the basis of professional advice, taking into account the personal circumstances of each individual. The results of the trial phase would be evaluated rigorously.

32. The Government was providing around $A 6.5 billion to support agreements and programmes to improve the affordability of housing. As part of its 2017/18 budget, the Government planned to introduce a National Housing and Homelessness Agreement with state and territory governments to increase the supply of new homes and improve housing for all social groups. Related schemes and funds had also been introduced to subsidize rental costs, increase the supply of affordable rental accommodation, support local infrastructure projects to increase the number of affordable houses for sale and reduce the cost of new homes for new buyers, including through the provision of grants to state and territory governments to enable them to work with the private sector to that end. Under the new Agreement, funding would also be provided to improve the sustainability of the social housing system.

11. **Mr. Walter** (Australia) said that state and territorial laws included provision for compulsory treatment orders for individuals with a serious medical condition who were incapable of giving valid consent to treatment. Such orders were overseen by special tribunals, such as the Mental Health Tribunal in Victoria. Australia was committed to respecting the physical integrity and reproductive rights of all. Sterilization could only be performed with the person's consent or, where the person was unable to give consent, with the authorization of the court or guardianship tribunal. All states and territories had set up guardianship tribunals. The Family Court was competent to rule on the sterilization of children. Following an inquiry into involuntary or coerced sterilization in 2013, a Senate committee had made a range of recommendations regarding the need for education and uniform legislation. Although the Government had considered the recommendations, it had no immediate plans for reform. Nevertheless, additional funding had been made available to standardize data collection across jurisdictions.

14. The treatment of intersex children was typically carried out in two stages: firstly, the administration of hormones to suppress the advancement of puberty in the gender of birth and, secondly, the administration of hormones to promote the affirmed gender. Authorization from the Family Court was required for stage 2 but not for stage 1. The third stage, namely surgery, was not usually considered for minors. The number of applications to the Family Court had risen from 5 in 2013 to 23 in 2016. The Government was conscious of the fact that requiring judicial authorization could delay treatment and lead to depression, suicidal thoughts and self-harm and was, therefore, looking into possible reforms. In that connection, a number of recent Family Court decisions concerning treatment for intersex children were under review by the Government.

15. As part of the universal periodic review, Australia had made a voluntary commitment to improve the way the criminal justice system treated persons who were unfit to plead or had been found not guilty by reason of mental impairment. In November 2015, the Law, Crime, and Community Safety Council, together with the Attorneys General and the Ministers of Justice at all levels of government, had established a cross-jurisdictional working group to look into improving the framework for data collection and developing a range of resources, for use nationwide, on the treatment of people with mental or cognitive disabilities. The working group had developed principles for their treatment which were being considered by the cabinets of each state or territory. It set particular importance on, inter alia, alternatives to detention, regular reviews of detention orders and reasonable accommodation. The Senate Community Affairs Reference Committee had published a report in November 2016 containing recommendations on a range of issues related to access to justice, resources for training and supported decision-making models, to which the Government would respond later in 2017. Myriad initiatives had been launched in that field at all levels; for example, the Victoria government had tabled a bill providing for regular review processes and a wider range of non-custodial orders and Western Australia had opened a disability justice centre that could accommodate 10 defendants with mental impairments.

16. **Ms. Roberts** (Australia) said that the Government was working on actions to improve the patient experience of Aboriginal and Torres Strait Islander people in the health-care system by identifying areas with poor health outcomes and inadequate services, setting up accountability mechanisms to address racism and discrimination and expanding the use of performance metrics. The next version of the implementation plan for the National Aboriginal and Torres Strait Islander Health Plan 2013-2023 would be coordinated with the Closing the Gap strategy and would focus on addressing the sociocultural determinants of health and responding to broader targets.

17. **Ms. Wilde** (Australia) said that smoking rates in Australia were among the lowest in the world and were continuing to fall. All levels of government had undertaken to reduce the adult daily rate to 10 per cent and to halve the daily rate among adult Aboriginal and Torres Strait Islanders by 2018. Since 2012, all tobacco products sold in the country had to be in plain packaging and continue to carry graphic health warnings. In addition, Australia continued to implement a comprehensive range of tobacco control measures, such as excise increases, education programmes and campaigns, bans on smoking in public places and on tobacco advertising, and support for those who wished to quit smoking. Early evidence

indicated that the measures had begun to achieve their public health objectives. For example, spending on tobacco products had decreased from $A 3.72 billion in 2012 to $A 3.26 billion in 2015. Australia was a world leader in tobacco control and frequently shared its expertise at global and regional forums.

38. Given that indigenous adults were more likely to be obese, the Government supported various initiatives targeting that population, including the Medical Outreach Indigenous Chronic Disease Programme, whereby dieticians, nutritionists and diabetes specialists delivered services to address obesity in rural and remote communities. Since 2015, the Programme had received additional funding for services including assistance to new parents, youth cookery classes and vegetable gardens. In 2016/17, the Government had committed over $A 13 million to increasing the participation of Aboriginal and Torres Strait Islander people in sports and to improving their physical and emotional well-being and resilience.

39. A wide range of health programmes and services, including on mental health and substance abuse, were available in prisons. The fifth National Mental Health and Suicide Prevention Plan was under development by the Ministers of Health across all jurisdictions and should be completed in August 2017. It would provide for coordinated treatment and support for people with complex mental illnesses and contain actions to improve their physical health, reduce the stigma around mental illness and emphasize safety and quality in service delivery.

40. Australia had universal health coverage through the Medicare system, which was built on the principle of affordable access to clinically appropriate services, including for the country's geographically dispersed populations. Medicare provided free access to hospital care and access to affordable medicines, as well as targeted medical assistance in the form of funding for community health services. Although Medicare worked well and was an integral part of the health system, it was never intended to stand alone but, rather, was designed to be supplemented by the private health-care system primarily funded through a private health insurance scheme. Persons who used a higher volume of services and/or had a low income received higher subsidies.

41. Australia was committed to universal access and freedom of choice with high quality care and services, including for older persons. In 2016, approximately 15 per cent of the total population had been over the age of 65, but less than 1 per cent of people in permanent residential care for the elderly identified as indigenous. Thus, the National Aboriginal and Torres Strait Islander Flexible Aged Care Programme funded organizations to provide flexible and culturally appropriate care for older persons close to home. The Programme currently operated more than 30 services in rural and remote locations, with a mix of residential, respite and home-care services that were based on the needs of the communities and were designed to adapt to changes in those communities. All providers of care for older persons were required to arrange for access and to develop culturally appropriate local solutions for the delivery of services in remote areas and in doing so received support and expert advice from the Service Development Assistance Panel.

42. **Mr. Uprimny** said that, although the general population enjoyed the right to education, there was serious inequality in the system that had an adverse effect on education as a driver of social mobility. Part of the problem was that the system was segregated and funding was uneven. He was pleased to note that the Government had announced a reform of school funding; however, he wished to know whether it would be carried out in accordance with the recommendations of the Gonski Review and, specifically, whether the Government intended to set up an independent expert national school resourcing body. He also wished to know what measures were being taken to promote indigenous languages and how much funding had been allocated to the protection of those languages since the Committee's previous dialogue with the State party in 2009. He would appreciate information on the specific mechanisms in place to ensure that Aboriginal and Torres Strait Islander children had access to culturally appropriate early education and that funds for that purpose would not be cut. Regarding lesbian, gay, bisexual, transgender and intersex (LGBTI) students, he would also appreciate information on the tangible steps taken to eliminate harassment in schools and whether the funding for the Safe Schools Coalition would be renewed. Recalling that the State party had a general obligation to ensure that the

Covenant was respected even in areas that fell under subnational jurisdiction, it would be helpful to know how the Government ensured that inclusive education was implemented throughout the country. The argument that the responsibility for services to refugees and asylum seekers, including education, was the responsibility of the authorities of Nauru did not satisfy him, given that those individuals were in Nauru because of the State party's immigration policy.

43. He would appreciate further information on the criteria for the recognition of indigenous land rights, in particular the requirement to have had a connection to the land since the settlement of Australia. He would also appreciate the State party's comments on the obligation to consult indigenous communities regarding projects on their land in the light of complaints that consultations in the context of the Carmichael coalmine had not been conducted in good faith. Did the Government intend to respond to the Uluru Statement of the Heart on the constitutional recognition of the first sovereign Nations of Australia in June 2017? To what extent did the indigenous population have access to the Internet and what were the government targets in that regard?

44. **Mr. Donaldson** (Australia), recalling that the purpose of the Gonski Review had been to establish base funding for all schools, regardless of the system in which they operated, with the funding subsequently adjusted according to the socioeconomic status of the neighbourhood and the composition of the student body, said that the measures introduced in 2014 in follow-up to the Review were not an accurate representation of government plans in that domain. The Government had announced its planned spending to achieve a needs-based system for the decade starting in 2018. Over that period, funding for government schools would grow by nearly 95 per cent while funding for non-government schools would rise by more than 60 per cent. In addition to increasing the budget, the Government would explore how to best use the funding to obtain results for students who most needed it.

45. **Ms. Roberts** (Australia) said that the current curriculum included a framework for the teaching of Aboriginal and Torres Strait Island languages up to Year 10; however, language teaching policies differed from one jurisdiction to the next. More broadly, the Government promoted the revival and preservation of languages, investing over $A 40 million per year in support of indigenous art and languages. In 2017, it would also invest a further $A 10 million to support community-led projects that harnessed digital technologies to revive, preserve and teach indigenous languages. In addition, the Australian Institute of Aboriginal and Torres Strait Islander Studies had been awarded $A 40 million over four years to preserve, restore, manage and digitize its collection of indigenous cultural heritage materials. Resources were also being poured into the training of indigenous language interpreters and the provision of interpretation services as a critical means of ensuring engagement of that population with the Government.

46. **Mr. Johnson** (Australia) stressed that Australia had to work through the sovereign jurisdiction of Nauru and its laws and administrative processes to support the provision of services to refugees and asylum seekers. The Government had provided over $A 8 million for the construction of eight classrooms and two computer rooms, which also benefitted Nauruan children. In addition, it funded school uniforms, English lessons and music, art and sports activities, including after school and during holiday periods. The curriculum taught in Nauru was based on the Queensland state curriculum, and there was funding for 11 Brisbane Catholic education teachers to provide professional development and support in Nauru schools, as well as for counsellors to support the integration of child refugees and asylum seekers into the Nauruan system. The standard of education was very high. Australia also ensured that adult refugees and asylum seekers had access to education, including at the tertiary level, vocational training and courses in information and communications technologies, English and driving. For instance, in 2016, 19 refugee students had enrolled in the University of the South Pacific in a variety of subjects ranging from project management to community development and law.

47. **Mr. Donaldson** (Australia) said that the Government was looking to invest approximately $A 21 billion in the school reform between 2018 and 2027. During that period, funding for students with disabilities would grow by nearly 6 per cent a year and would be better targeted as a result of the Nationally Consistent Collection of Data on

School Students with Disability. Standards on the obligation of teachers in respect of students with disabilities and on the rights of those students had been set in 2005 with a view to providing equal access to education and had been reviewed in 2015. The Safe Schools Coalition had been reviewed and recommendations were being acted on by the Department of Education.

48. **Ms. Roberts** (Australia) said that the Government had been investing in culturally appropriate early childhood education initiatives in remote areas for some time, including the Families as First Teachers programme in 27 communities in the Northern Territory. More than $A 60 million were allocated each year to the running of 295 childcare, early learning and school-age services, predominantly in remote and aboriginal communities. Furthermore, a major longitudinal study entitled Footprints in Time had yielded robust evidence on the importance of early childhood education and care for boosting cognitive and developmental outcomes in aboriginal children. As a consequence, targets for early childhood education, including the target of 95 per cent enrolment by 2025, had been incorporated into the Closing the Gap framework and steady progress was being made. Once the outcome of the Uluru conference and regional dialogues had been consolidated, the referendum council would present a final report and recommendations to the Prime Minister and the Leader of the Opposition by 30 June 2017.

49. **Mr. Walter** (Australia) said that it was important to differentiate between legal connection and spiritual connection to land. The requirement to have an ongoing legal connection with the land, contained in the Native Title Act, had recently been looked into by the Australian Law Reform Commission. The Act did provide for exceptions where the connection had been disrupted and then revived. Moreover, even in cases where a connection was difficult to establish, the other party, including the Government, could choose not to insist on having complete evidence of connection and still enter into negotiations with a particular indigenous group.

50. Regarding the Carmichael coalmine project proposed by the firm Adani, since Australia had replied to the queries of the Special Rapporteur on the rights of indigenous peoples in March 2016, the Wangan and Jagalingou People had negotiated an indigenous land use agreement under the Native Title Act with Adani and the Queensland government. Claimants or holders of native title were free to enter into such agreements — which were typically reached in exchange for, inter alia, jobs for local indigenous people, royalties and housing — and had ample opportunity to express their views throughout the process. In the Carmichael case, the agreement would allow for the development of the mine and associated railway, but the details of the benefits had not been made public. The agreement had been lodged with the National Native Title Tribunal for registration in April 2016 and was currently in the objection phase. One application had been dismissed and an appeal of the dismissal was under way. The second application, which had been lodged in response to a recent Federal Court decision that had introduced a significant technical complication into the registration process, remained before the courts. Legislation to correct the problem was before Parliament, and the next court hearing was scheduled for 27 July 2017.

51. **Mr. Uprimny**, noting that a number of his questions had not been answered, asked whether the Government intended to set up the independent expert national school resourcing body as recommended by the Gonski Review, whether the funding for the Safe Schools Coalition would be renewed and whether schools in indigenous communities would have to compete for funding. Did the State party consider that it had no human rights obligations towards refugees and asylum seekers in Nauru?

52. **Ms. Wilde** (Australia) said that the Safe Schools Coalition was currently under review by state and territorial governments.

53. **Mr. Donaldson** (Australia) said that it was not the Government's intention at that juncture to establish a school resourcing body. However, it was worth noting that Mr. Gonski would also be leading the next review of school funding.

54. **Mr. Johnson** (Australia) said that the processing centres were governed by Nauruan law and that decisions on asylum and refugee claims were made by the Nauruan authorities. Australia nonetheless had memorandums of understanding in place to provide broad-ranging support.

55. **Ms. Roberts** (Australia) said that there would be no competition for school funding, but indigenous schools would have to clearly demonstrate and cost their specific needs.

56. **Ms. Wilde** (Australia) said that Australia welcomed the opportunity to share its experiences and discuss areas where it believed the country was doing well and others where it had progress to make. It took the dialogue seriously and looked forward to receiving the Committee's concluding observations, which were very useful for the development of public policy and practice. The Committee members were more than welcome to contact any part of the Government to discuss any issue raised during the dialogue.

57. **The Chair**, recalling that all the articles of the Covenant held positive obligations, said that she hoped that the concluding observations would be taken in the spirit in which they were given. The Committee was introducing a follow-up procedure designed to maintain the dialogue with States parties outside the regular reporting cycle. The procedure consisted in selecting five or six of the recommendations that were considered particularly pressing for comment by the State party within two years.

The meeting rose at 12.55 p.m.

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Committee on Economic, Social and Cultural Rights
Sixty-first session

Summary record of the 16th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 31 May 2017, at 3 p.m.

Chair: Ms. Bras Gomes

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Fifth periodic report of Uruguay

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The meeting was called to order at 3 p.m.

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Fifth periodic report of Uruguay (E/C.12/URY/5; E/C.12/URY/Q/5 and Add.1)

1. *At the invitation of the Chair, the delegation of Uruguay took places at the Committee table.*

2. **Mr. González Arenas** (Uruguay), introducing the fifth periodic report of Uruguay (E/C.12/URY/5), said that Uruguay had acceded to all international human rights instruments and maintained a standing invitation for visits by all United Nations human rights mandate holders. The country's commitment to human rights was a guiding principle of its foreign policy and underpinned its public policies and legislation and the decisions of its courts. Uruguay was currently up to date in its reporting to the human rights treaty bodies. The country had received a large number of observations and recommendations from the treaty bodies, special mechanisms and the universal periodic review. In 2016 the Government had established a permanent inter-institutional mechanism for follow-up on recommendations and drafting of future reports.

3. Thanks to a period of healthy economic development, since the submission of the previous State party report in 2010 (E/C.12/URY/3-4) the country had succeeded in reducing poverty and had nearly eliminated extreme poverty. Public policies fuelling economic growth and ensuring stability, coupled with others aimed at promoting equity and social inclusion, investment in education and a reform of the health system, had improved quality of life for Uruguayans and enhanced their enjoyment of their rights, including those covered by the Covenant.

4. Nevertheless, the Government was aware of the need to consolidate the progress made and to tackle new challenges in combating various forms of discrimination and in fostering equality. The serious economic crisis of the early 2000s had left lasting scars on Uruguayan society, and there was still much to be done to ensure the full enjoyment of the entire range of economic, social and cultural rights by all, including persons with disabilities, people of African descent, migrants, children, women in rural areas and members of the lesbian, gay, bisexual, transsexual, and intersex (LGBTI) community.

5. He was pleased to report that Uruguay had implemented a number of the recommendations issued by the Committee in 2010. It had, for example, launched the National Human Rights Institution, conducted a national census in 2011, improved the collection of statistical information relating to the rights covered by the Covenant, adopted laws protecting the rights of persons with disabilities, put in place measures to improve the integration of Uruguayans of African descent in the education and employment spheres and eliminated the discrepancy between women and men in the minimum age for marriage

6. **Mr. Mancisidor de la Fuente** (Country Rapporteur), welcoming the fact that the State party delegation included a member of the judiciary, said that he was pleased to note that the discussion with the State party would be transmitted live, which bore witness to the transparency of the process and would also serve as a tool for the dissemination of information on the Covenant rights. Uruguay had the highest literacy rate in Latin America, low indicators of corruption, a good human rights record and a favourable rating on the human development index of the United Nations Development Programme. Its economic growth had contributed to greater equality, and in its foreign affairs it had supported human rights in general and the Covenant and its Optional Protocol in particular.

7. Although the State party had indicated in its replies to the list of issues (E/C.12/URY/Q/5/Add.1) that the Covenant had been directly applied in various cases, he understood that there were still some impediments to its application. If that was the case, was it because a normative framework was needed to ensure that the Covenant could be applied directly under domestic law, or was the problem lack of awareness or insufficient training among lawyers and judges?

8. The Committee would like to hear how the periodic report had been drafted and whether members of the legislative or judicial branches and civil society had been involved. It would also like to know whether there was a specific procedure for follow-up on its concluding observations. While recognizing the progress the State party had made in enhancing equality, the Committee was concerned about reports of discrimination, notably against persons of African descent. It had also received information indicating that child poverty was a serious problem in Uruguay. Differences in the enjoyment of rights between the population in the capital and people living in more remote or rural areas were also of concern. In addition, the Committee had learned of extensive delays in the issuance of identity papers for migrants arriving in the country, which undermined their enjoyment of their rights. He welcomed the establishment of the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination, which was able to receive complaints of discrimination; however, he was concerned that the Commission's status as an honorary body left it without sufficient resources and without a clear mandate and authority.

9. The Committee had heard that a bill to combat gender-based violence was under consideration, but its adoption appeared to be in doubt. The Committee would appreciate an update on the status of the bill.

10. **Mr. Tovagliare** (Uruguay) said that, once ratified, international instruments automatically became part of the domestic legal order and were directly justiciable. Article 72 of the Constitution recognized that all rights inherent to the human person or derived from a republican form of government had constitutional status, regardless of whether they were set out explicitly in the Constitution. Since the 1950s, all rights enshrined in human rights conventions had been considered to have constitutional status under that provision. Article 332 of the Constitution established that a right enshrined in the Constitution or with constitutional status must be enforced, regardless of whether specific implementing legislation giving effect to the right was in place.

11. In 2002, the Supreme Court had also recognized the constitutional standing of the rights set out by international treaties. Direct application of international treaties was not the prerogative of the Supreme Court alone, however. They could be applied by any judge at any level. In courts that heard *amparo* cases, for example, the provisions of international conventions were regularly and directly applied. Numerous examples of cases in which the Covenant had been directly applied could be found by searching on the website of the Ministry of Justice. The delegation could also provide the Committee with a list of such cases. Magistrates and judges received both initial training and continuing education that included specific modules on human rights and direct application of human rights treaties.

12. **Ms. Costa** (Uruguay) said that both government bodies and civil society organizations had taken part in drafting the periodic report and the replies to the list of issues, although responsibility for the content ultimately resided with the Government. Once the replies had been drafted, they had been discussed at a meeting held at the Ministry of Foreign Affairs, in which numerous civil society organizations had participated. A follow-up mechanism for implementation of recommendations from international human rights bodies had been established by presidential decree in 2016, with assistance from the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme and the Uruguayan International Cooperation Agency. It brought together some 30 national and local institutions and helped to identify which bodies had the greatest authority and most relevant mandates for the implementation of recommendations. The mechanism also followed up on the policies and measures that were implemented and assessed their effectiveness.

13. **Mr. Villarreal** (Uruguay) said that the Honorary Commission received funding through the Ministry of Education and Culture. The State supported affirmative action to help disadvantaged groups such as Uruguayans of African descent and people living with disabilities to enjoy their economic, social and cultural rights. A 2015-2020 plan of action had been drawn up with civil society organizations for the implementation of Act No. 19122, which provided for special temporary measures for persons of African Descent. The impact of the law had been uneven; nevertheless, there had been an increase in the number of scholarships awarded to students of African descent and the number of applicants of

African descent accepted into the civil service had risen from 7 to 10 per cent from 2015 to 2016.

14. **Mr. Graña** (Uruguay), acknowledging that a gap in the enjoyment of rights existed between Uruguayans of African descent and other Uruguayans, said that civil society organizations and the Committee on the Elimination of Racial Discrimination had both requested the Government to collect statistics that took account of race and ethnicity in order to document the gap. Uruguay had recently begun implementing affirmative action policies intended to improve the situation of Uruguayans of African descent. Statistics from 2015 indicated that the proportion of Afro-Uruguayans had recently increased in the executive branch, but fallen in the judiciary, the parliament and local administrations. The Ministry of Social Development had a commission that monitored affirmative action programmes, and it would be pleased to receive recommendations from the Committee on how best to meet quota targets.

15. The submission of the bill on gender-based violence had helped to raise awareness of the problem. Its text emphasized the importance of prevention, care for victims and access to the justice system and to reparation. The bill had been drafted with the participation of the National Advisory Council on Domestic Violence and had been put forward by the executive branch. It was currently before the Senate. It would be helpful if the Committee recommended the adoption of the bill.

16. Because official statistics included no information on transgender and transsexual persons, the Government had conducted a national census of that group in 2016 with the aim of making it more visible and reducing the exclusion of transgender persons in Uruguayan society. The results of the census were still being tabulated. A bill had been drafted to assist transgender and transsexual persons by providing for quotas and scholarships and in some cases reparations for individuals whose rights had been undermined by State actions.

17. **Mr. Villarreal** (Uruguay) said that the child poverty rate had declined from 47 to 23 per cent from 2006 to 2016, thanks in part to the country's macroeconomic and social investment policies. Child poverty remained most persistent among Uruguayans of African descent but it had also declined substantially among that group in the previous 10 years.

18. **Mr. González Arenas** (Uruguay) said that the influx of migrants into Uruguay posed a challenge for the Government, as domestic law quite clearly stated that migrants had the same entitlements as citizens.

19. **Ms. Costa** (Uruguay) said that, as Uruguay had gone from being a country of origin to a country of destination for migrants, it had been inundated with applications for residency. Citizens from the member States of the Southern Common Market (MERCOSUR) generally received identity papers rapidly, sometimes within a day. Persons from other countries faced much longer waiting periods. The National Migration Directorate was striving to reduce the waiting time.

20. **Ms. Motta** (Uruguay) said that an effort had been made to decentralize the national Government, in particular the education system, with a view to providing the same level of service to all inhabitants of the country. The decentralization effort had also extended to health and social services.

21. **Mr. Sadi** asked to what extent human rights education activities in practice addressed the rights covered by the Covenant. The Committee would appreciate specific examples of cases in which economic, social and cultural rights had been protected by the State party's institutions. He would also like specific information on the action taken to implement the Committee's recommendations. The Committee's general comment No. 9 (1997) on the domestic application of the Covenant pointed to the need for States parties to ensure that certain provisions were implemented with immediate effect and to take steps to ensure the progressive implementation of the rest. While the legal status of the Covenant was of course of interest to the Committee, it wished to be assured that the Covenant was also of practical relevance to policymakers and government ministers and was in fact taken into consideration in the formulation of policies.

22. **Mr. Uprimny** said that the State party was to be commended for its innovations and progress with respect to social rights. There was always room for improvement, however. For example, civil society organizations had drawn the Committee's attention to the fact that the right of *amparo* was recognized as an individual right, but not as a collective right. They had also pointed out that they faced obstacles in the submission of amicus briefs during *amparo* proceedings, as the courts had argued that civil society organizations submitting such briefs would be participating as third parties. Lastly, they had complained that the right of *amparo* was applicable in respect of certain administrative actions, but not other State actions. Did the State party intend to change the legal provisions to provide broader and more consistent access to *amparo* proceedings for the protection of economic, social and cultural rights?

23. The Committee on the Rights of Persons with Disabilities had issued a recommendation calling on the State party to ensure that the denial of reasonable accommodation was recognized as a form of discrimination against persons with disabilities. Had the Government taken steps to implement that recommendation? Lastly, Uruguay apparently lacked a general law prohibiting discrimination in all its forms. Was there any intention to adopt such a law?

24. **Ms. Crăciunean-Tatu** (Country Task Force) said that she would appreciate more information on how the Government envisaged the decentralization of education services.

25. **Mr. Mancisidor de la Fuente** said that the fact that the Honorary Commission received financial resources from the Ministry of Education and Culture would not ensure its effectiveness if it was not endowed with a sufficient mandate or authority to deal with the complaints it received. Discrimination against persons of African descent should be addressed not only through hiring or employment by State actors, but also through State actions to ensure that the rights of Uruguayans of African descent were recognized and upheld in the private sector. He would like to know whether there were there any policies or programmes to ensure recognition of the rights of Uruguayan migrants who had left the country and subsequently returned. He also wished to know whether any efforts were under way to remove outdated, gender-discriminatory legal provisions, such as those that imposed waiting periods on women for remarriage in the event of divorce or the death of a spouse or references in the Criminal Code to "decent" single, divorced or widowed women.

26. **Mr. González Arenas** (Uruguay) said that many of the Committee's recommendations had been implemented. For example, an autonomous national human rights institution with a board of directors and its own budget had been set up. Statistical monitoring of the enjoyment of economic, social and cultural rights had improved as a result of the collection of disaggregated data, which had also made it possible to draw up targeted policies to address specific needs. Legislation on the rights of persons with disabilities, including their right to work, had been adopted, and measures had been taken to enforce the education and employment rights of Uruguayans of African descent, including through affirmative action policies. The difference in the minimum age for marriage of boys and girls had been eliminated. The Government would continue working to implement all outstanding recommendations.

27. **Mr. Villarreal** (Uruguay) said that public policy in the past decade had concentrated on raising awareness of the historical disadvantages and discrimination suffered by certain groups. As a result, the difficulties faced by persons of African descent were now acknowledged, but it would take time to close all gaps in the enjoyment of economic, social and cultural rights. In the past decade Uruguay had implemented structural reforms and had linked them to reforms in the tax system, thus freeing up significant resources to be used in support of the rights covered by the Covenant. The health system had been reformed in 2005 to cover the entire population. The education system, too, had been the subject of extensive reform.

28. Although the Honorary Commission had relatively limited resources at its disposal, it enjoyed significant support from the Ministry of Education and Culture and other government ministries, and that support was likely to increase.

29. **Mr. Tovagliare** (Uruguay) said that there was no doubt among jurists that the Covenant could be invoked at all levels of the justice system and in all types of proceedings.

There were numerous examples of cases in which the Covenant had been applied directly. For example, persons who had been denied access to certain expensive medicines that were not included on an officially approved list had successfully brought *amparo* proceedings in Uruguayan courts, arguing that the denial of access to such drugs jeopardized their rights under the Covenant, and the court rulings in those cases had cited the Covenant, specifically the provisions relating to the right to health. Labour law specialists and judges had made similar references to the Covenant in their proceedings and rulings, as had the Supreme Court.

30. There had indeed been a case where a court had rejected an amicus curiae brief, but that decision had not been a binding or set a precedent for other courts, nor had it been based on any piece of legislation. Uruguayan procedural law did not specifically preclude collective action in *amparo* cases. He was not aware of any collective *amparo* actions to date, but there was nothing to prevent someone from bringing such an action.

31. **Mr. Villarreal** (Uruguay) said that wage boards established as part of the labour reform process had strengthened worker participation. New mechanisms of civil society participation had also emerged. A national human rights education plan had been launched in 2016, with the participation of civil society.

32. **Ms. Motta** (Uruguay) said that the human rights education plan was currently being implemented in all public educational institutions. The organization of the education system was somewhat different from that in other States. The Ministry of Education and Culture coordinated actions in the area of education, but responsibility for formal compulsory education, teacher training and technological training rested with the National Public Education Administration, an autonomous body which included four decentralized councils. Departmental commissions were responsible for adapting national education policy and designing education plans in line with local needs. The members of those commissions would receive training in 2017 so that they could better perform their duties. The decentralization of the education system had made it possible to increase access to secondary education, which was something the Committee had recommended in its previous concluding observations.

33. **Ms. Costa** (Uruguay) said that the refusal to provide reasonable accommodation was not considered a form of discrimination under current legislation. However, a national plan for access to justice and legal protection for persons with disabilities, which provided for reasonable accommodation, was currently being implemented. In addition, a bill to promote the hiring of persons with disabilities was currently before parliament; it would establish a 4 per cent hiring quota for some private-sector employers. The recommendations of the Committee on the Rights of Persons with Disabilities were being used as guidance for efforts to advance the rights of persons with disabilities.

34. **Mr. Graña** (Uruguay) said that legal steps taken to fight discrimination included amendments to the Code of Criminal Procedure, which would come into effect in the second half of 2017. They introduced two key developments: the establishment of a discrimination victim protection unit and the introduction of a negotiation system, which provided alternatives to criminal proceedings for victims of discrimination. There were also a number of policies that supported inclusive measures. Legislation on affirmative action had introduced a points system to reward the inclusion of Afro-descendants and other minorities in investment projects, while legislation on youth employment promoted the hiring of Afro-descendants, young people, women and transgendered persons. It would be useful if the Committee recommended further action to promote affirmative action measures applicable to the private sector.

35. **Mr. González Arenas** (Uruguay) said that, contrary to the situation in rich countries, employment opportunities had increased in Uruguay during the recent global economic crisis. As a result, there had been an influx of returning expatriates whose reintegration into Uruguayan society the Government had sought to facilitate by, among other measures, creating a special office within the Ministry of Foreign Affairs to attend to their needs and enable them to exercise their economic, social and cultural rights.

36. **Ms. Costa** (Uruguay) said that the country's accession to the 1961 Convention Abolishing the Requirement of Legalisation for Foreign Public Documents had greatly

facilitated return procedures for expatriates. Other concrete steps taken included the signing of social security agreements with the countries that had the largest populations of Uruguayan expatriates and the enactment of legislation enabling them to repatriate their assets and granting Uruguayan nationality to foreign-born grandchildren of Uruguayans.

37. **Ms. Goyeneche** (Uruguay) said that the Equal Marriage Act had raised the minimum age of marriage for both females and males to 16 years. Although that was not the age recommended by the Committee, namely 18 years, the change was still a step forward. The Act also stipulated that in all laws and regulations relating to marriage, all gender-specific language should be replaced by gender-neutral language so as not to discriminate against, inter alia, LGBTI persons.

38. Some criminal laws dating back to 1934 did contain provisions that were discriminatory against women. The bill on gender-based violence, in line with international recommendations, would effectively eliminate those provisions and establish regulations that reflected the current reality, classifying the various forms of sexual harassment as criminal offences, for instance. It would also criminalize domestic violence and femicide. The enactment of the new law was an urgent priority for the Government.

39. **Mr. Villarreal** (Uruguay) said that, according to a report by the Ministry of Social Development, some 18,000 immigrants, mostly from the MERCOSUR region, were expected to arrive in the country in 2017. Uruguay had welcomed refugees from the Syrian Arab Republic and other countries.

40. **Mr. Zerbini Ribeiro Leão** (Country Task Force) said that it would be useful to know whether the National Employment Promotion Strategy had increased and improved the quality of employment and, if so, whether the State party had any corroborative statistics to that effect. It would also be interesting to learn whether there were data to confirm that the two strategic objectives set to combat unemployment and informal-sector work had been achieved. Details on progress in the prevention and punishment of sexual harassment would be appreciated as well. He would welcome additional information on the specific measures taken to increase the employability of persons with disabilities, particularly in the private sector, and on the specific measures taken to protect the health- and education-related rights of such persons. He would also like to hear more about the measures taken to combat workplace discrimination against people of African descent.

41. He wished to know what action had been taken to close the wage gap between men and women and to address wage gaps affecting immigrants and young people. He would be grateful if the delegation could provide a description of the legal framework applicable to the right to strike and to the right to organize. It would be helpful to know whether the average non-contributory pension had increased enough to provide a person with a basic standard of living. Additional information on non-contributory social security programmes and their coverage would be appreciated.

The meeting was suspended at 5 p.m. and resumed at 5.15 p.m.

42. **Mr. Villarreal** (Uruguay) said that employment rates had shown a positive trend overall between 2006 and 2015. The labour market participation rate had increased on account of greater participation by women in the workforce. The labour participation rate among women had risen from 43.7 per cent in 2006 to 50.5 per cent in 2015. Although the gap between men and women had decreased during the period in question, men had continued to have a higher labour participation rate than women. The employment rate among the Afro-descendant population had been slightly higher than among other population groups, (59.6 per cent compared with 58.9 per cent in 2015), but most of the growth in labour force participation among Afro-Uruguayans had occurred in low-skill occupations. Moreover, unemployment among Afro-Uruguayans had consistently been higher than among other groups. Between 2011 and 2014, the overall unemployment rate had remained at a record low of around 6.5 per cent, although it had later risen. While the unemployment rate had been higher among women than among men, the gap had reached its narrowest point in 2015. Unemployment and underemployment rates had remained consistently higher among young people than among older groups throughout the period 2006-2015.

43. Wage gaps between the highest and lowest income deciles had shrunk considerably. Under a government policy aimed at the most vulnerable workers, the minimum wage had grown significantly. Although the minimum wage did not cover the cost of a basic market basket, most workers were paid at least twice the minimum wage, and the majority of households could thus afford a basic basket. The wage gap between women and men was larger in the upper ranges of the salary scale than in the lower ranges. Although public policies promoting gender equality were in place, a cultural change was needed if true equality between men and women was to be achieved.

44. **Ms. Goyeneche** (Uruguay) said that the legislation criminalizing sexual harassment in the workplace not only served as a preventive measure, but also established a protocol for the investigation of harassment complaints and provided for penalties against the perpetrator. The protocol took into account the delicate nature of such complaints and focused on protection of the victim. Since the enactment of the legislation in 2009, the Ministry of Labour and Social Security had received many complaints, a high number of which had come from workers in the private sector. State agencies had worked with human resources managers to impress upon them the importance of investigating all allegations of sexual harassment. The courts had also addressed the failure of some businesses to investigate complaints of sexual harassment in the workplace, and penalties had been imposed on offending businesses. Although collective bargaining agreements did not include specific protocols or procedures relating to sexual harassment in the workplace, they did include clauses that referred to the prevention and punishment of such harassment.

45. **Mr. Tovagliare** (Uruguay) said that the Constitution enshrined the right to free legal aid for those without adequate means. Moreover, a 2009 order had granted regulatory status in domestic law to the Brasilia Regulations Regarding Access to Justice for Vulnerable People. The order, which stipulated the Constitutional obligation to provide greater protection to the most vulnerable members of society, included a specific section on persons with disabilities. On a more general note, victims' access to justice would be significantly improved by the amended Code of Criminal Procedure, which would enable them to play a more active role in criminal proceedings, granting them, inter alia, the right to present evidence and to contest a public prosecutor's decision to close a case.

46. Both the right to strike and the principle of freedom of association were recognized by the Constitution. Moreover, there was legislation protecting the rights of employers dismissed for exercising their labour rights.

47. **Mr. Villarreal** (Uruguay) said that labour rights were guaranteed not only by law, but also by a social pact that promoted dialogue as a means of resolving conflicts between workers and employers.

48. **Mr. González Arenas** (Uruguay) noted that Uruguay was a signatory to the International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and several other ILO conventions, which further strengthened the framework for protection of labour rights. One of the concrete steps taken to give effect to the principle of equal pay for equal work was the promotion of the inclusion of gender equality clauses in collective agreements. To address one of the factors contributing to the wage gap for migrants, the General Labour and Social Security Inspectorate had conducted monitoring operations to identify situations in which migrants were employed in clandestine or informal situations and were being underpaid.

49. **Mr. De Schutter** (Country Task Force) said that, according to the Ministry of Social Development, school completion rates varied greatly depending on household income. Against that background, it would be interesting to learn more about the efforts of the Committee for the Eradication of Child Labour to formalize private-sector employment among adolescents aged 16 to 18 while also ensuring that adolescents remained in the education system. The number of adolescents working in the private sector had more than doubled over a 10-year period, and his concern was that children from poorer backgrounds were being put to work, while children from more affluent families were encouraged to continue their education. What was being done to avoid the perpetuation of socioeconomic segregation and inequality with respect to education?

90. The International Code of Marketing of Breast-milk Substitutes had been incorporated into Uruguayan legislation; details on the enforceability of that legislation would be appreciated, particularly as it appeared that the legislation's penalty mechanism applied only in the city of Montevideo. A 2013 law on maternal leave did not allow mothers to breastfeed exclusively for the six-month period recommended by the World Health Organization. He understood that a bill on the creation of breastfeeding rooms in work and educational settings was under study and would like to know when its enactment was expected. In addition, information on existing provisions requiring employers to allow breastfeeding in the workplace would be welcome.

91. Information on the measures taken to combat obesity and reduce salt consumption would be appreciated. In that connection, he wondered whether the State party envisaged putting in place any regulations to complement its nutrition education efforts. He would also like to learn how its nutrition education programmes were assessed. A recent United Nations report had revealed that the quality of water in the State party had deteriorated because of agricultural activities. It would be interesting to know what efforts were being made to reduce the use of pesticides in agriculture.

92. He was aware that the Government had a policy of relocating people living in irregular housing settlements and wished to know the conditions under which such relocations took place. Did the process involve forced evictions? Were the relocation procedures in line with the Committee's general comment No. 7 on the right to adequate housing? He would also like to know how the provisions of Act No. 19120, which criminalized homelessness, were applied in practice. If they were not being applied, were there plans to eliminate the relevant provisions from the Criminal Code?

93. It would be interesting to hear the delegation's comments concerning the lessons that could be drawn from the State party's experience with the legalization of marijuana and its legal victory against tobacco company Philip Morris. With regard to reproductive health, he wished to know whether health-care professionals who were conscientious objectors and refused to perform abortions were obliged to refer patients to practitioners who were not objectors. He welcomed the new proposed legislation on mental health care, which called for the establishment of a national mental health care oversight commission; however, in light of that commission's apparent lack of independence, he wondered how the State party planned to ensure strong oversight of the institutionalization of persons with mental disabilities. It would also be useful to know how the draft legislation would uphold the principle of free and informed consent and the prohibition of arbitrary deprivation of liberty for people with disabilities.

The meeting rose at 6 p.m.

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Committee on Economic, Social and Cultural Rights
Sixty-first session

Summary record of the 17th meeting
Held at the Palais Wilson, Geneva, on Thursday, 1 June 2017, at 10 a.m.

Chair: Ms. Bras Gomes

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The meeting was called to order at 10.05 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Fifth periodic report of Uruguay (*continued*) (E/C.12/URY/5; E/C.12/URY/Q/5 and Add.1)

1. *At the invitation of the Chair, the delegation of Uruguay took places at the Committee table.*

2. **Ms. Motta** (Uruguay) said that much had been done to improve the accessibility of the country's educational institutions for persons with disabilities. Existing structures had been adapted to improve physical accessibility and a resource centre had been set up to address individual cases of secondary school students with hearing or visual impairments. There was also a unit that developed appropriate solutions for young people on the autistic spectrum to ensure their effective integration into the regular school system; in 2016, it had dealt with 4,000 requests in which the curriculum had been adapted to the needs of the student concerned. There was also provision in special schools for children who could not be accommodated in mainstream schools.

3. **Mr. Villarreal** (Uruguay) said that, although data for the period 2006-2015 showed an increase in women's participation in the labour market, the fact that 57 per cent of women had attended university was not reflected in their salaries, which were less than those of men in all sectors of the economy. Perversely, the gap tended to increase with years of education. Furthermore, while the proportion of those employed in the informal sector had declined overall, 33 per cent of women, compared with 27 per cent of men, still worked outside the formal sector. However, the introduction of the Integrated National Care System had had a direct and positive impact on women's participation in the labour market and on gender equality in general. The Ministry of Labour and Social Affairs, which was involved under a tripartite system in labour negotiations, encouraged the inclusion of clauses on gender equality in labour agreements; as a result, the gender pay gap had narrowed steadily between 2007 and 2014, but a change in general employment culture had not yet been achieved.

4. **Mr. Graña** (Uruguay), pointing out that Uruguay had a long tradition of State-provided social protection, said that the Government was building up a network that would ensure access to social assistance for those most in need. Coverage of old age and disability pensions was universal and non-contributory. Over 86,000 persons had received pensions in 2016. In 2008-2009, a social dialogue process had led to the provision of assistance for persons aged between 65 and 69 years who were not yet eligible to receive an old-age pension and who were in particularly difficult circumstances. Over 3,000 such persons had received support in 2016. Social assistance to families included payments on a non-contributory basis to poor families, on the condition that their children attended school and received regular medical check-ups. Nearly 400,000 children were benefiting from that programme in 2017. Cash transfers had been introduced through the Social Uruguay Card to provide access to food and basic necessities for the very poorest in society. Nearly 25,000 families had received the standard card and a further 38,000 extremely poor families had been given a "double" card, with double the allowance.

5. **Mr. Villarreal** (Uruguay) said that the problem of inequity in access to education had become increasingly visible over the previous decade. Young people aged 15 to 18 were particularly affected. Measures were being taken to ensure that efforts to promote employment among young people were not in conflict with the educational process and that continued education at that stage was seen as a necessary foundation for subsequent employment.

6. **Ms. Motta** (Uruguay) said that, while the differences in education between the highest and the lowest income quintiles of the population were still a matter of great concern, slow but steady progress had been made between 2010 and 2016 in improving the education levels of the poorest children: only 45 per cent of 18-to-20-year-olds in the

lowest quintile had completed lower secondary education in 2010, but the figure had risen to 52.7 per cent by 2016. The proportion of lowest-quintile 21-to-23-year-olds in education had also risen, from 11.3 per cent to 13.8 per cent over the same period. The Educational Development Protection System had been introduced to monitor students' progression through the education system. It included information not only on their education but also on their social environment. A protocol had been drawn up to help education centres work with other agencies in providing follow-up and support to students both during the education cycle and between cycles. The aim was for all young people to be able to complete their secondary education and, if possible, continue beyond that point. The result had been that in 2016 only 1,600 children had not been enrolled in basic secondary education, and that figure had been halved in 2017.

7. **Mr. Graña** (Uruguay) said that the country had extensive legislation, including Act No. 19161 on maternity and paternity leave for employees in the private sector, and other provisions aimed at encouraging breastfeeding. Recent collective negotiations in the public sector had extended both maternity and paternity leave rights to State employees as of 2017 and introduced a shorter working day for breastfeeding mothers with babies aged between 6 and 12 months. A bill to be passed shortly would require all companies and organizations that employed more than 20 women or more than 50 workers in total to provide breastfeeding rooms in the workplace. In addition to the 2011 survey on breastfeeding, figures were also available from countrywide surveys conducted in 2013 and 2015 on child nutrition, health and development, and a new survey on breastfeeding was to be conducted in 2017 with the help of the United Nations Children's Fund (UNICEF). The Uruguay Grows with You programme, introduced as part of the National Strategy for Children and Adolescents, had two components, one covering all children and the other focusing on children in particularly vulnerable families. Since 2012, mothers in all maternity units, both public and private, had been given an information kit to encourage breastfeeding, and lactation consultants provided individual assistance through the Uruguay Grows with You programme.

8. **Ms. Goyeneche** (Uruguay) said that the Ministry of Public Health had issued an ordinance in January 2017 promoting exclusive breastfeeding for all babies up to the age of 6 months and the subsequent use of appropriate complementary feeding up to the age of 2 years. The provisions complied with the World Health Organization International Code of Marketing of Breast-milk Substitutes and applied to all products that could be marketed or used as replacements for breast milk. A public awareness campaign explained the health risks posed by such substitutes, as well as their financial implications, offering clear and coherent data and advice. Authorization for the marketing of new products and proper labelling was addressed by the Ministry's children and adolescents and nutrition departments. A bill was currently being drafted to integrate the Code into the country's laws.

9. As part of its work to address the problem of non-communicable diseases, the Ministry of Public Health was running a public information campaign on the health risks of sodium consumption, which included efforts to highlight the "hidden salt" in foods. A decree adopted by the Montevideo departmental authorities banned salt on tables in restaurants and a government task force was considering the best ways of ensuring that salt and fat content were clearly indicated on product labels.

10. **Mr. Villarreal** (Uruguay) said that the Human Rights Secretariat of the Presidency of the Republic was drafting an agreement on human rights and the environment in collaboration with the Ministry of Housing, Land Management and the Environment and was also working with the Ministry of Agriculture and Fisheries on areas of shared concern. Fertilizers and pesticides were a major source of pollution of water sources. In the Santa Lucía basin, which provided drinking water for most of the population, a number of environmental improvement programmes had been launched to address the problems posed by agriculture, domestic sources of pollution and soil contamination. A ban had been introduced on the construction of any new facilities that might increase water pollution, treatment of effluent was compulsory, and livestock were not allowed to have direct access to water courses. A protected zone, where the use of agrichemicals was banned, was being established, and extraction of both surface water and groundwater was regulated.

11. **Ms. Goyeneche** (Uruguay) said that relocation of families from informal settlements was never imposed as a forced measure. Relocations took place under the aegis of the Ministry of Housing and local authorities and with the participation of the persons concerned. Families were identified for relocation with the help of social workers and were provided with information before the relocation and support afterwards, to help them adapt to their new situation. Forced evictions occurred only in the case of illegal occupation of property, and specific procedures were followed, depending on whether the property was publicly or privately owned.

12. **Mr. Tovagliare** (Uruguay) said that evictions were never carried out in the case of peaceful occupation of buildings where tolerated by the owner. In such cases, an eviction could be authorized only by the civil courts, and due process requirements must be met. Evictions were enforced only after a period of time to allow the occupants to leave on their own, and extensions could be granted in cases of ill health or the presence of minors in the dwelling.

13. Article 368 of the Criminal Code classified the unauthorized occupation of public spaces as an infraction, not a serious criminal offence punishable by imprisonment. Such cases were examined by justices of the peace rather than criminal court judges. Persons accused of living or spending the night in public spaces on a permanent basis could be sentenced to community service. The authorities were obligated to issue two warnings before taking action, and the persons involved had to be referred to the Ministry of Social Development, which must provide them with an alternative living arrangement.

14. **Mr. Graña** (Uruguay) said that it was too early to draw conclusions regarding the implementation and social impact of Act No. 19172 legalizing marijuana, as the full range of options for accessing marijuana had not yet been rolled out. As of 29 May 2017, 57 cannabis clubs, 6,734 growers and 3,629 persons who wished to buy marijuana from pharmacies had been registered. A campaign had simultaneously been launched to educate the public regarding the responsible use of marijuana. It was important to note that more than 12,000 individuals were now accessing cannabis through legal means, rather than contributing to the illegal drug trade.

15. **Mr. González Arenas** (Uruguay) said that he wished to clarify that the marijuana market in Uruguay was fully regulated. With regard to abortions, the right to health was sometimes undermined by doctors who chose to exercise their right to conscientious objection, as provided for in article 11 of Act No. 18987 on Voluntary Interruption of Pregnancy. In one region in particular, almost all doctors had exercised that right. The authorities had introduced a contingency plan to ensure that no woman was denied the right to an abortion. An appeal had been filed with the Administrative Court, which had suspended the application of certain articles of the regulatory decree regarding the right to conscientious objection. That decree provided that women were to be referred to another doctor who would perform the procedure. Where the pregnancy posed a serious risk to the woman's health, doctors could not exercise their right to conscientious objection and were obligated to perform the abortion. *A procedural manual had been developed which set out the conditions for the exercise of the right to conscientious objection.

16. Uruguay had been a world leader in implementing the World Health Organization Framework Convention on Tobacco Control. Its victory in the legal case brought against it by a multinational tobacco company demonstrated that commercial interests could not prevail over sovereign health policies. The case had set an important precedent for any future attempts by tobacco companies to thwart countries' tobacco control efforts.

17. **Ms. Costa** (Uruguay) said that Act No. 9581 on psychopaths, which dated back to 1936, was still in effect in Uruguay, although it was recognized that it did not meet international human rights standards. Draft legislation to replace it had been drawn up by the Ministry of Public Health following consultations with civil society and relevant stakeholders. The bill had been passed by the Chamber of Senators and was under review by the Chamber of Representatives. The new law would establish a national commission on mental health, a decentralized body whose members would include government officials, academics, mental health system users and their families, and social actors. The commission would be responsible for monitoring the provision of all mental health services.

Although other measures were also needed, enactment of the law would be a fundamental step towards establishing a framework for reforming the existing mental health care model.

18. **Mr. Sadi** said that he wished to know what the cancer rate was in Uruguay, whether it was increasing and whether it was linked to the presence of contaminants such as pesticides and hormones in foodstuffs. He would also like to know whether sanitation services in rural areas were properly regulated and upgraded. In addition, he would be interested in hearing about the Government's policy regarding climate control, the extent of its commitment to the Paris Agreement under the United Nations Framework Convention on Climate Change and how sustainable energy sources were used to support the objectives of the Agreement. Specifically, he wished to know what energy sources were being used to meet electricity needs.

19. **Mr. De Schutter** (Country Task Force) said that he would appreciate clarification as to whether article 368 of the Criminal Code applied to homeless persons living or sleeping in public spaces and whether in other parts of the country there were any regulations similar to the decree adopted by the Montevideo departmental authorities banning salt on tables in restaurants.

20. **Mr. Uprimny** said that he wished to know what measures were being taken to ensure that Act No. 18651 on Comprehensive Protection for Persons with Disabilities was enforced and that the quotas for persons with disabilities in public posts set out therein were met. It would also be useful to hear what measures had been taken to ensure that the bill on gender-based violence was approved. He would appreciate a comment from the delegation on reports that socioeconomically disadvantaged persons had been denied access to expensive medicines and that persons were prosecuted for possessing drugs other than marijuana in excess of the amount deemed reasonable for personal use.

21. **Mr. Mancisidor de la Fuente** (Country Rapporteur) said that he would like to know how the Government determined that the minimum wage was sufficient to provide workers with a decent living for themselves and their families. The Committee had been informed that homeless persons had been removed from public parks and not offered any alternative accommodation. Was that the case? If so, what measures would be taken to rectify the situation and what guarantees were in place to ensure that persons accused of unlawfully occupying public spaces were, in practice, referred to social services? Lastly, it would be interesting to know what measures were being taken to prevent teenage pregnancy and to maintain high vaccination rates in the face of anti-vaccination campaigns.

22. **Mr. Villarreal** (Uruguay) said that most cases of cancer in Uruguay were related to tobacco use and diet. A study was being conducted, however, on the potential link between pesticides and other carcinogenic substances and cancer. Specific legislation had been introduced to prevent further contamination of the Santa Lucía basin, and it was clear that sanctions needed to be enforced. Cultural change was also required to ensure that businesses, consumers, citizens and farmers complied with existing regulations. Near total sanitation coverage had been achieved in urban areas and efforts were under way to improve sanitation and prevent groundwater contamination in rural areas.

23. Uruguay was committed to addressing climate change in a holistic manner and had already begun to implement the Paris Agreement. Over the previous five years, the Government had created a network of wind farms across the country, as a result of which, at certain times during the year, the country's entire energy needs were met by renewable energy sources. Although fossil fuels continued to be used, the Government placed priority on promoting alternative energy sources and on implementing the relevant agreements.

24. **Mr. Tovagliare** (Uruguay) said that, under article 368 of the Criminal Code, the unauthorized occupation of a public space was a petty offence that was punishable in respect of people who slept on the streets. Offenders received two warnings to desist from such behaviour and those who failed to comply were taken to an office of the Ministry of Social Development in order to find an appropriate housing solution.

25. **Ms. Goyeneche** (Uruguay) said that while most measures to combat obesity and excessive salt consumption had been taken in Montevideo, the Ministry of Public Health was promoting similar measures in the rest of the country. Related initiatives included Act

No. 19140 on healthy eating in schools, agreements with bakeries to reduce salt content and a nationwide campaign to promote reduced salt consumption.

26. **Ms. Motta** (Uruguay) said that the Government was working extensively in the area of food and nutrition. Some 270,000 schoolchildren participated in food programmes for which the Government had calculated the calorie intake provided by each food option and also monitored the carbohydrate, protein, fat, iron, zinc and calcium content of the food provided. Act No. 19140 aimed to protect the health of children and adolescents in both State and private schools by promoting healthy eating habits and thus helping to address risk factors for overweight and obesity, hypertension and chronic non-communicable diseases. However, the Government recognized the need for further action to make all schools aware of the requirements for healthy eating and the control of salt. In that context, the National Public Education Administration, in coordination with the Ministry of Public Health and other organizations, had recently approved an assessment of nutritional status and the impact of food programmes and measures.

27. **Mr. Villarreal** (Uruguay), responding to the question on access to work for persons with disabilities, said that legislation and instruments must be accompanied by a cultural change towards greater equity and inclusion in order to ensure that the rules put in place were followed. The National Civil Service Office and the Human Rights Secretariat had discussed the issue with various ministries and bodies and had established framework agreements for the practical implementation of the 4 per cent quota for the employment of persons with disabilities. Nevertheless, government departments often continued to view the incorporation of persons with disabilities — and the infrastructure adjustments required — as a difficulty rather than an opportunity. The Human Rights Secretariat and the National Civil Service Office had established a follow-up mechanism so that departments were obliged to provide data and take responsibility for meeting the quota.

28. Access to expensive medicines was a multi-faceted issue in which a conflict had arisen between the right to health and the interests of the pharmaceutical industry. The Government was aware of the need to safeguard the right to health, but was wary of falling prey to the commercial interests of pharmaceutical companies, which often manipulated demand for costly medicines. The Ministry of Public Health and the Integrated Health System had submitted a bill aimed at ensuring sustainable access to medicines.

29. **Ms. Goyeneche** (Uruguay) said that, as the government body responsible for gender equality, the National Institute for Women was closely following the passage through parliament of the comprehensive bill on gender-based violence. The Institute was cooperating with other State bodies in efforts to combat gender violence and to prepare for the eventual implementation of the new law. Steps were also being taken to ensure that all executive bodies had a unit responsible for implementing gender equality policies, with a budget commensurate with that task.

30. With regard to the removal of homeless persons from Parque Guaraní, the Montevideo city government regretted what had taken place but considered that it had been a sui generis case in which a contradiction had emerged between the right to housing, the right to ownership and the Government's obligation to protect public spaces and the environment for the population as a whole. The case had arisen in 2015 after a complaint from a district community centre concerning a squatter settlement on a piece of land that was part privately and part publicly owned. While there had been some dialogue between public officials and the occupants of the settlement, ultimately an eviction order had been issued and the public portion of the land had been cleared. An attempt to delay the eviction from the private land had been rejected by the judiciary. The Government had taken no pleasure in that outcome and was aware that people's rights had not been fully taken into account. Nevertheless, lessons had been learned and the Government had begun to carry out social interventions from the outset of legal proceedings concerning the occupation of public and private spaces.

31. **Mr. Graña** (Uruguay), responding to the question on referrals to social services for alternative housing, said that the Petty Offences Act (Act No. 19120) had authorized the Ministry of Social Development to expand its coverage by contracting out services. In 2016 some 3,600 persons had been helped to find alternatives to street living. Force was never

used to enforce the Act, and persons infringing the law were not taken to the offices of the Ministry against their will.

32. The State had recently developed a national intersectoral strategy for the prevention of unintentional pregnancies among adolescents, which was being implemented by the Ministry of Public Health in coordination with other ministries and government bodies and with the United Nations Population Fund (UNFPA). More information about the strategy would be made available to the Committee in due course.

33. **Mr. Villarreal** (Uruguay), in reply to the question about the minimum wage, said that it should be borne in mind that education and health care were provided free of charge, which helped to ensure that families enjoyed an adequate standard of living. Although the minimum wage had already seen historic increases, the Government continued to work to increase the wages of the lowest income earners.

34. On the question of vaccinations, an effective policy was in place whereby citizens were required to provide a health card showing that they had been vaccinated in order to access education or employment. Furthermore, information and educations campaigns had been conducted in order to increase public acceptance of vaccination and counter erroneous information dispensed by the anti-vaccination movement about the harmful effects of vaccines.

35. **Mr. Graña** (Uruguay) said that drug use was not criminalized in Uruguay; however, civil society had reported that the absence of a legal limit on the amount permitted for personal use had led to individuals being prosecuted and to differing judicial interpretations of what was excessive. The amendment of the Code of Civil Procedure would afford an opportunity to establish clear criteria in that regard. The Government considered that it would be premature to begin drafting regulations on the use of substances other than marijuana, as it had not yet evaluated the impact of the marijuana law.

36. **Ms. Crăciunean-Tatu** (Country Task Force), recalling that in its previous concluding observations (E/C.12/URY/CO/3-4) the Committee had expressed concern about the numbers of people living on the streets, said that she would welcome updated official statistics on the number of individuals, including children, who were still in that situation. She would also like to know what plans and programmes had been designed and implemented by the Institute for Children and Adolescents to improve children's access to education. She was concerned that children and adolescents from the lowest income quintiles continued to be affected by educational inequity, as there continued to be wide discrepancies between poorer and richer students in secondary school completion rates. She had been interested to read about the Gurí Platform that automatically pre-enrolled all pupils in secondary school, and she wondered what effect that initiative might have on the dropout rate and what measures were taken to deal with situations in which children were automatically enrolled but did not attend their assigned secondary school. She also wished to know whether any special measures had been designed to reduce school dropout among rural children, children of African descent, children with disabilities and children from low-income households. In addition, she would appreciate information on whether sexual and reproductive health formed part of the school curriculum and, if so, at what level of education.

37. It would be useful to know how the school curriculum dealt with the issue of cultural diversity and how many hours were allocated to teaching the history of the country's Afro-descendent and indigenous populations. She would also like to learn how the State party promoted awareness of the cultural heritage of indigenous people and people of African descent and how it allocated funds to such initiatives. The State party's replies to the list of issues (E/C.12/URY/Q/5/Add.1) mentioned a series of activities aimed at protecting cultural diversity and spreading awareness of local identities; she wondered whether the delegation could provide disaggregated data on the groups involved in those activities and explain whether they had been consulted on the activities in question. Lastly, she understood that rates of participation in cultural outings, such as visits to museums, theatres, galleries, festivals and historical monuments, tended to be higher among middle- and high-income groups and among residents of Montevideo and would be interested in

hearing how the State party promoted equal access to cultural infrastructure throughout the country and among different social and economic groups.

38. **Mr. Graña** (Uruguay) said that the Government would provide the Committee with census data on persons living on the street. The most recent census had not found any cases of children in that situation, although some children lived in shelters, typically those belonging to families affected by gender-based violence. There were also specific centres providing care for children and adolescents whose family ties had broken down for various reasons; those centres also protected children's right to housing by taking in families who had become homeless.

39. In relation to the cultural rights of minority groups, the State had legally recognized events such as the Day of the Charrúa Nation and the National Day of Candombe, Afro-Uruguayan Culture and Racial Equity. Since 2006, the Government had pursued a decentralization policy in which the Ministry of Education and Culture operated more than 125 centres throughout the country to promote access to culture. In July 2016, the Ministry of Social Development had launched the celebration of African Descent Month as part of the International Decade for People of African Descent. Support had been provided for a number of community-based sociocultural projects to promote awareness of cultural diversity. The Ministry of Social Development had been working with various other institutions, notably in the area of education, and had helped draft a teacher's guide for instruction on the history of the population of African descent, which had been praised by the Committee on the Elimination of Racial Discrimination. Lastly, in 2016 the Government had established 26 educational centres for the promotion of rights as part of a strategy that addressed several thematic areas, including racial equity, sexual diversity and disability rights. It hoped to increase the number of centres to 100 in 2017.

40. **Ms. Motta** (Uruguay) said that Uruguay had made clear progress with regard to equity, although some inequalities remained, notably in the area of education. In terms of access and coverage, the State had undertaken significant efforts so that all children and young adults could exercise their right to education. It recognized the importance of preschool education for children's later schooling and for their overall intellectual and emotional development. For that reason, schooling had been made compulsory from the age of 4 years. The targets established for preschool education had been exceeded and high levels of coverage had been achieved for children aged 3 to 5 years. Inequity in access to preschool education between the top and bottom income quintiles had narrowed considerably since 2010. Preschool attendance rates had improved, too.

41. In primary education, Uruguay had achieved near-universal coverage: 99.5 per cent of children aged 6 to 11 years were currently enrolled in school. The State was focusing its efforts on reducing school abandonment in the most vulnerable sectors of society, for example by creating special schools with extended hours. School attendance rates at the primary level had increased, while the repetition rate had decreased, which was important, as children who had to repeat grades were less likely to go on to secondary school. The Government had launched various initiatives to identify and address problems that could lead to repetition, including a programme to teach reading and writing in Spanish, which established a reference framework and provided support materials for teachers, children and families with a view to improving school performance. A similar programme in mathematics would be rolled out in 2017.

42. The secondary school pre-registration programme had been introduced with the aim of reducing the numbers of pupils who completed primary education but did not commence secondary education. Under that programme, families were required to confirm the child's automatic enrolment in secondary school. The decentralization of the education system had made it easier to identify children whose enrolment had not been confirmed and subsequently ensure their attendance.

43. The Government took pride in its programme for sexual and reproductive health education, which had been in place for 10 years and had been used as a model by other countries. Instruction on sexual and reproductive health was offered at all levels of the education system and had also been incorporated into teacher training programmes. Nevertheless, a recent assessment had highlighted some shortcomings, which the

Government was determined to address in order to strengthen the programme, which would undoubtedly have an impact on teenage pregnancy figures. In her view, however, the country's relatively high rates of teenage pregnancy reflected not just lack of knowledge about sexual and reproductive health but also cultural and social attitudes relating to the role of women and their life expectations.

44. In the past, education had been used to foster a certain homogeneity, which had been needed during the nation-building process. Now, however, an effort was needed to promote greater appreciation of diversity and ensure that minority groups were taken into consideration in the educational process. Among other initiatives, the Government was working to foster appreciation of the country's linguistic diversity, including through official recognition of sign language and intercultural and bilingual education for deaf persons.

45. **Mr. Villarreal** (Uruguay) said that, for 10 years, the Basic Computer Educational Connectivity for Online Learning (CEIBAL) Plan had provided laptop computers for children in keeping with a policy to close the digital gap for children who otherwise would not have had access to a computer. The lessons learned from that initiative could be applied to surmount challenges in other areas, such as participation in cultural life and access to education.

46. **Mr. Mancisidor de la Fuente** (Country Rapporteur) said that the Committee was grateful for the opportunity to learn more about the State party's achievements and the challenges it faced. The Committee would endeavour to tailor its recommendations to the country's situation and needs. He was confident the State party would give the recommendations due consideration and he hoped it would also disseminate them in society.

47. **Mr. González Arenas** (Uruguay) said that the interactive dialogue would help the State party move forward in improving its human rights policies and mechanisms. The Government was committed to following up on the Committee's recommendations and it undertook to disseminate them, as it had done after its previous dialogue with the Committee.

The meeting rose at 1 p.m.